



Arizona Department of Transportation

Environmental Planning Group

Guidelines for Scoping Environmental Determination and Categorical Exclusion National Environmental Policy Act Documents



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I. ABOUT SCOPING LETTERS

Scoping is often the first contact between the proponents of a proposal and the public. The scoping process leads the proponent to think about the proposal early on, in order to explain it to the affected agencies and public. The environmental document will therefore include a reflection, or at least an acknowledgement of the agencies' and the public's concerns. This can reduce the need for changes because it reduces the chances of overlooking a critical social, economic, or environmental issue, or a reasonable alternative.

These guidelines are intended to standardize Arizona Department of Transportation (ADOT) scoping letters to promote a consistent, positive initial contact with agencies and the public. All scoping, including the initial contact letter, should be tailored to meet the needs of each individual project. Care should be taken to ensure that information presented is consistent and applicable to the project.

OBJECTIVES:

Scoping has specific objectives:

- Identify affected public and agency concerns
- Facilitate document preparation process by:
 - Ascertaining related permits
 - Determining reviews that must be scheduled
 - Defining issues that need attention and devoting less time to issues that cause little or no concern

PURPOSE:

Scoping is a process to:

- Invite participation
- Determine important issues
- Determine level of analysis
- Allocate assignments
- Identify other studies
- Indicate timing of activities

TECHNIQUES:

Scoping cannot be useful until the agency knows enough about the proposed action to present a coherent proposal. A clear picture of the proposed action needs to be developed. Until that time there is no way to explain to the public or other agencies what you want them to comment on. Start scoping only after there is enough information to present a clear picture of the project to the public and agencies.

Letters: Develop a mailing list based on affected/involved agencies and public. Include property owners of affected and adjacent properties.

Prepare an information packet and solicit written, faxed, e-mailed, or phoned-in comments based on the information mailed in the packet.

Meetings: If it is suspected that a proposed project could benefit from a meeting with the affected public, a scoping meeting in the early stage of project development may be appropriate. All parties would have the opportunity to meet one another and to listen to the concerns of others. People can see that you are listening to them in a face-to-face meeting and personal and working relationships then develop among the parties. A quantity of interests and issues can be covered in a short amount of time.

Note: A meeting does not imply the need for an Environmental Assessment.

Responses: Often, input received from the public requires a response from ADOT. All specific questions raised in scoping letters require a written response in the form of a letter from the

assigned ADOT National Environmental Policy Act (NEPA) planner within ten business days of receipt.

Administrative Record: All scoping communications require written documentation for the administrative record. Email messages, as well as all responses, should be printed in a format that displays the sender information and time mailed as well as the message text. All telephone conversations that involve scoping discussions with either agencies or the public, whether initiated by ADOT (consultant) or by a member of the public or an agency, are to be documented in hard copy. Documentation should include the date, time, caller's name, telephone number, name of person called, subject, and message. Typed records are preferable to hand written documentation.

CITATIONS FOR SCOPING:

40 CFR 1500-1508 – see 1506a (CEQ regulations for implementing NEPA)

23 CFR 771.111(a) & (e)

State of Arizona Action Plan (for federally-funded projects) pages 24, 25, 27, 28

II. SCOPING CONTACTS

The type of construction project needs to be carefully considered when preparing the contact list. When in doubt regarding whom to scope, coordinate with the assigned NEPA planner.

Note: These lists are not all-inclusive – the scope of each project should be carefully reviewed to determine if additional contacts are needed.

ALL PROJECTS – These entities are to be scoped for ALL ADOT Projects including Group I and Group II CEs and Environmental Determinations.

AZ Game and Fish Department if on non-Tribal land

The Land Management Agency responsible for issuing the ADOT highway easement and / or managing the adjacent land:

Forest Service, Park Service

Bureau of Land Management

Indian Tribe and BIA, etc.

Local Jurisdiction:

County

City / Town

Municipal Planning Organization (MPO)

Council of Government (COG)

Center for Biological Diversity

Appropriate Tribal and BIA Depts:

Transportation

Planning

Natural Resources

Other

U.S. Fish and Wildlife Service

entities listed under ALL PROJECTS and any of the following entities found to be applicable to the specific project.

Holders of Land Use Permits

Mining and grazing permittees / leaseholders

Emergency Response- Hospital, Police, Sheriff, DPS,
Fire Department

Schools

Chamber of Commerce

Tourism Board

Business Associations

Adjacent businesses

Adjacent and affected residents

Neighborhood Associations

Environmental Organizations (Sierra Club, Audubon Society, etc.)

Tribal Chapters

Secondary Users

Expl.: Those who use side roads leading to communities on Reservations and National Forests

AS APPLICABLE - Group II CEs and Environmental Determinations – Scope the

ADDITIONAL CONDITIONAL ENTITIES - to be reviewed on all projects for applicability:

Floodplain coordinator if within a 100-year floodplain

Environmental Protection Agency if within a sole source aquifer and federally funded

Coast Guard if the Colorado River is involved

The Grand Canyon Trust has requested scoping letters for all projects within the Colorado Plateau north of I-40.

The Friends of SR 82 for all projects on SR 82 and SR 83.

DO NOT SCOPE:

US Army Corps of Engineers

Arizona Department of Agriculture

Arizona Department of Environmental Quality

Arizona Game and Fish Department or State Agencies if project is solely on Tribal land

III. STANDARDIZED SCOPING LETTERS

A. General Scoping Letter

The general letter provides a description of the location and a detailed scope of the proposed project, provides contact information and requests responses by a specific date. The general letter is sent to all entities on the contact list EXCEPT those agencies listed below, for which the general letter is edited to request additional information.

B. General Scoping Letter for Biological Information

Individual scoping letters should be sent to both the Administrator of the land management unit (i.e., District Ranger, Field Office Manager, Park Ranger) and to the biologist of the unit. Always annotate your letter with a C: and send copies to ensure recipients know who else in their agency also received the letter.

1. Letters to the Administrator

The following paragraphs are to be added to letters to Administrator of the land management agencies (US Forest Service, National Park Service, etc.):

- **All land-management agency biology request letters (including tribal):**

Please respond if your agency has any biological concerns related to this project or would like specific species addressed in the document. We will send the biology document for review and comment prior to finalization, and prior to submittal to the US Fish and Wildlife Service, if required. If any meetings with the US Fish and Wildlife Service are necessary for this project an invitation to the meeting will be extended to your agency as well.

- **When the biology contact is known:**

During the biological compliance process we will coordinate with [NAME OF AGENCY BIOLOGIST AND TITLE], who - according to our records - is the appropriate contact for biological issues. Please let us know if this contact has changed.

- **When the biology contact is not known:**

Please let us know if there is a specific contact we should coordinate with who can represent your agency when dealing with biological issues.

2. Letters to the Biologist

Initial biological scoping should occur as part of the NEPA Scoping process. This will ensure early coordination with the affected land management agencies, the AGFD, and the USFWS. The purpose of this scoping is to determine if there are any specific biological issues related to the project, determine if there are specific species the land management agencies would like to see addressed in the biological document and to determine if the management agency would like to review the document or simply receive a courtesy copy. Please ensure that within the body of the letter the correct comment return address is shown. The address shown within the letterhead of the ADOT letter isn't always the appropriate return address.

Please note that this guidance is for the use of the NEPA planner who is generating the project scoping letters. The same scoping letter used for general purposes should be used as the basis for the biology scoping letters, with the addition of the paragraphs shown below. A copy of these letters, along with any responses, need to be attached to the biology document generated for the project. If a response is received from the biology scoping letters, the consultant biologist must immediately relay that response to the regional ADOT biologist to coordinate a response. This needs to be done before a response is issued, and before the biology compliance document is submitted for review.

Use the Arizona Game and Fish On-line Environmental Review Tool for projects requiring game and fish scoping. The web site can be found at <http://www.azgfd.gov/hgis/>. This will provide you with information on special status species occurrences.

When you receive the on-line printout please send it to the EPG NEPA planner for review of the project area and description. Please note that in most all cases ADOT projects should be delineated by using the line or point tool. The system automatically includes a three mile buffer to include species occurrences. Please discuss with the regional biologist if you feel it is necessary to delineate a project area by drawing a polygon. Also, if the review tool brings up concerns that need to be addressed prior to submitting the project biological document, please forward the on-line printout and discuss with the regional biologist. Otherwise, the printout should be included as an attachment to the biological document. Please do not sign the printout.

Include the following paragraphs immediately above the contact information paragraph:

Paragraph to include in scoping letters to AGFD if the on-line tool was used:

A list of species potentially occurring within the project area was obtained using the AGFD On-Line Environmental Review Tool. This project was submitted on-line for your review on [date] and is recorded under Search ID Number [ID number]. If you or others in your agency have any specific concerns, suggestions or recommendations pertaining to this specific project please let us know. This can include information on wildlife movement, habitat issues, or seasonal concerns, to name a few.

Paragraph to include in scoping letters to AGFD if the on-line tool was not used:

Due to the large size of this project, the AGFD On-line Environmental Review Tool did not accurately depict the project area. This letter serves both as a request for a list of potential species occurring in the project area and as your agencies invitation to review the project based upon the scope of work outlined above. If you or others in your agency have any specific concerns, suggestions or recommendations pertaining to this specific project please let us know. This can include information on wildlife movement, habitat issues, or seasonal concerns, to name a few.

Paragraph to include in scoping letters to AGFD:

If the AGFD would like to have continued involvement in these projects please include a specific expression of interest in the response, along with a description of specific concerns. If the response letter does not include a request for continued involvement and a statement of specific concerns, ADOT will consider the coordination process with the AGFD complete for this project.

Note: A scoping letter is NOT sent to AGFD for projects entirely on tribal lands. The AGFD scoping letter should be addressed to: Ms. Rebecca Davidson, Project Evaluation Program Supervisor, Arizona Game and Fish Department, 2221 W. Greenway Rd., Phoenix, AZ 85023 (contact information up to date as of December 14, 2006).

Paragraph to include in scoping letters to the USFWS:

If you or others in your agency have any specific concerns, suggestions or recommendations pertaining to this specific project please let us know by responding to the address listed below. This can include information on wildlife movement, habitat issues, or seasonal concerns to name a few.

NOTE: Two scoping letters are sent to the USFWS; one letter addressed to Steve Spangle, Field Supervisor, and one letter to the Assistant Field Supervisor for the region the project occurs in. For the Northern region, the Assistant Field Supervisor is Brenda Smith. The Central contact is Debra Bills and the Southern contact is Sherry Barrett.

Paragraph to include in scoping letters to the BIA:

During the biological compliance process for this project we will coordinate with the _____ (tribe). In addition, their designated representative will be offered a review of the biological document and will be invited to any meetings that may occur with the US Fish and Wildlife Service. If your agency has any specific biological concerns, would like to review the biological evaluation, or would like to be invited to any meetings with the US Fish and Wildlife Service that may occur please let us know. If we do not receive a response from you on this issue we will assume our coordination through the _____ (tribe) is sufficient for your agency and no specific coordination with the BIA is necessary during the biological compliance phase.

NOTE: When on tribal lands a letter needs to be sent to the BIA. A letter containing the paragraph above needs to be sent to Chip Lewis when working in the BIA's Western Region and to Leonard Robbins when working in the Navajo Region.

Coordination for projects on Navajo Nation Lands:

NOTE: For all projects containing ROW or easement across Navajo Nation lands the consultant needs to provide the Northern Region ADOT biologist with a written data request to be forwarded to the Navajo Nation Department of Fish and Wildlife data manager (see example letters). Requests should include a brief project description, brief project location, and a reproduced 7.5' USGS quad map (see Navajo Natural Heritage Program Data Request Procedures and Fees, revised October 2002). When on Navajo Lands, DO NOT use the boilerplate paragraphs below unless instructed by the ADOT regional biologist.

Paragraph to add to land-managing **biologist** letters, including tribe:

Please respond if your agency has any biological concerns related to this project or if your agency has any specific species it would like addressed in the document. We will send the biology document to your agency for review and comment prior to finalization, and prior to submittal to the US Fish and Wildlife Service, if applicable. Also please let us know if your agency would prefer a copy of the biology document for your agencies files only as opposed to a review. If any meetings with the US Fish and Wildlife Service are necessary for this project an invitation to the meeting will be extended to your agency as well.

Paragraph to add to land management agency **contact** letters, including tribe:

1. IF the biology contact at the agency is known:

During the biological compliance process we will coordinate with_____ (*name of agencies biologist and title*), who according to our records is the appropriate contact for biological issues. Please let us know if this contact has changed, or if your agency has any specific biological concerns as well.

2. IF your biology contact at the agency is not known:

In addition, please let us know if there is a specific contact we should coordinate with that can represent your agency when dealing with biological issues. If you have specific biological concerns related to this project please let us know.

NOTE: A scoping letter should be sent to BOTH the land-managing biologist and the land management agency contact. If the biologist is not known, once you find out who the contact is, send them a scoping letter. When sending these letters, make sure to C: each of them on the bottom of the letter so they know whom in their agency received the letter.

NOTE: All responses to scoping letters that include biological information need to be forwarded to the appropriate ADOT biologist. Both the coordination letters and response letters need to be attached to the BE / BR / BA&E written for the project.

C. Bureau of Land Management

State Funded Projects: – If the project is state funded and on lands administered by the BLM, the letter is sent to the BLM by the ADOT NEPA planner. The general letter is edited to include the Township, Range and Section of the project so the agency can review its databases for Threatened, Endangered and Sensitive species information, which are collected and recorded in this format. It also asks whether the agency wants any further involvement with the project.

Federally Funded Projects: - If the project is located on land administered by the BLM, and is federally funded pursuant to 23 U.S.C. (i.e., Title 23), follow the protocol listed in *Memorandum of Understanding and Operating Agreement between the BLM/FHWA/ADOT*, dated March 3, 2006. This MOU provides that “FHWA will send written notification of the project to all affected BLM field offices, with a copy to ADOT EPG”:

1. Inviting BLM to participate as a cooperating agency,
2. Requesting that BLM identify known issues and concerns relating to protection of valid existing rights and resources on BLM-managed lands potentially affected by the project, and
3. Requesting a determination whether the proposed project is in conformance with BLM land use plans.”

The ADOT NEPA planner will review the coordination letter and forward it to the FHWA Environmental Program Manager for action (see FHWA to BLM Example, page 15).

D. Floodplain Manager

If the project is located within a 100-year floodplain, the general letter is edited to include the following:

A review of the Federal Emergency Management Agency Flood Insurance Rate Map for the project area indicates that this project is located within a 100-year floodplain. To assist in your determination of floodplain impacts, the Project Manager or Designer will send you design plans as the project develops.

(Provide the Project Manager and/or Designer with the Floodplain Managers contact information for the plans distribution list and send a copy of this request to the NEPA Planner.)

IV. CHARACTERISTICS

- Font should be 12 pt.¹ Arial
- Margins should be .75 inches¹ all around
- Letters should be addressed to either: Ms., Mr., Lt., Chief, or Sir or Madam (please make sure this is in the appropriate mail merge fields as well).
- Have the appropriate header on all pages of the letter after the first page to include: Title, Name, Date, and Page Number.
- When submitting a **draft** of scoping items to the NEPA planner for review, include the following as separate attachments:
 - One attachment for each type of letter (general, AGFD, etc.)
 - List of agencies to be scoped (spreadsheet)
 - List of public to be scoped (spreadsheet)
 - State map
 - Vicinity map
- When submitting **final** scoping items to the NEPA planner, include the following as separate attachments:
 - Merged letters for each type of letter
 - Merged envelopes with appropriate regional return address
 - List of agencies to be scoped (spreadsheet)
 - List of public to be scoped (spreadsheet)
 - State map
 - Vicinity map

If an EPG NEPA Planner will review, approve, and sign the text of coordination and scoping letters, as well as the mailing list. Talk to the EPG planner about who will be responsible for the actual mailing of the letters.

The same letter may not be appropriate for all agencies and the public on the mailing list. Additional or different information or requests may be included in letters as appropriate if approved by the NEPA Planner.

¹ Note- Font size and margins can be adjusted to fit on a page; however, font size should not be smaller than 11 pt.

V. ADOT RESPONSES TO COMMENTS RECEIVED

When written responses are received from agencies or the public, a written response from ADOT is prepared. Written responses should be prepared with input from the ADOT Project Manager and the District. The responses are reviewed and signed by the ADOT NEPA planner within ten days of receipt.

Comments received from agencies and ADOT responses will be attached to the Categorical Exclusion or Environmental Determination.

If a letter is undeliverable, or is returned marked “return to sender,” a good faith effort must be made to contact the recipient.



Arizona Department of Transportation
Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Sam Elters
State Engineer

(Current date)

(Letterhead can be found on the ADOT homepage <http://adotnet/forms/Letterhead/Letterhead.asp>)

«Title» «FirstName» «LastName»

«JobTitle»

«Company» (For Mail Merge²)

«Address1»

«City», «State» «PostalCode»

Re: Project name

Project # (if applicable)

Tracs #

GENERAL EXAMPLE

Dear «Title» «LastName»:

First paragraph should include a brief description of the project including: type of project (pavement preservation, easement project, lane widening etc.); location of project including highway, milepost and distance from nearest town/city or geographic reference point. Also reference the state and vicinity maps. If known, include an estimated time when construction will begin.

The Arizona Department of Transportation (ADOT) is planning a pavement preservation project on Interstate 10 (I-10) approximately 10 miles southwest of Willcox, Cochise County, Arizona (see attached maps). The project would occur from I-10 milepost (MP) 321.94 to MP 328.00. Construction is estimated to begin in the winter of 20XX.

The second paragraph defines the project in more detail, including the scope of the construction work in bullet format. Do not use jargon. Also identify land ownership, detours, lane closures and/or any right-of-way acquisitions or easements for the project.

The pavement preservation work is planned within the existing boundaries of ADOT right-of-way. The existing I-10 roadway surface is deteriorated from weathering, which has created cracks and an uneven

² Make sure headings for mailing list are EXACTLY the same as mail merge

Title First and Last Name
Page 2
Date (followed by 3 returns)

pavement surface throughout most of the project area. The purpose of the pavement preservation is to repair this deterioration along:

- Eastbound travel and passing lanes of the I-10 mainline
- Eastbound on-ramp and off-ramp at the Johnson Road Traffic Interchange (TI)
- Johnson Road TI crossroad

Additional work includes:

- Extending three existing concrete box culverts to create median closures and provide for the removal of redundant guardrail.
- Re-grading and raising the highway median at three concrete box culverts.
- Bringing the officially designated median crossings up to current standards.
- Blocking-off median crossings at MP 324.1, MP 324.4, and MP 326.1
- Installing new thermoplastic or recessed pavement markers, and new pavement edge delineators.
- Seeding disturbed areas.

The last paragraph asks the public to identify any concerns, issues or questions regarding the project. List the contact information including mailing address, e-mail address, fax number, and telephone number.

Please identify any issues, concerns, or questions you have regarding this project to (contact name) and send them via mail to (address); via email to (email address); or via fax to (fax number). Please submit comments by (allow at least 30 days). If you would like more information, please contact (contact name) at (telephone number). Thank you for your time and assistance.

Sincerely, (followed by 4 returns)

GENERAL EXAMPLE

Name (of ADOT NEPA Planner or ADOT Project Manager)

Title (then 2 returns)

Enclosures

c:

NEPA Planner or Project Manager initials:writer's initials

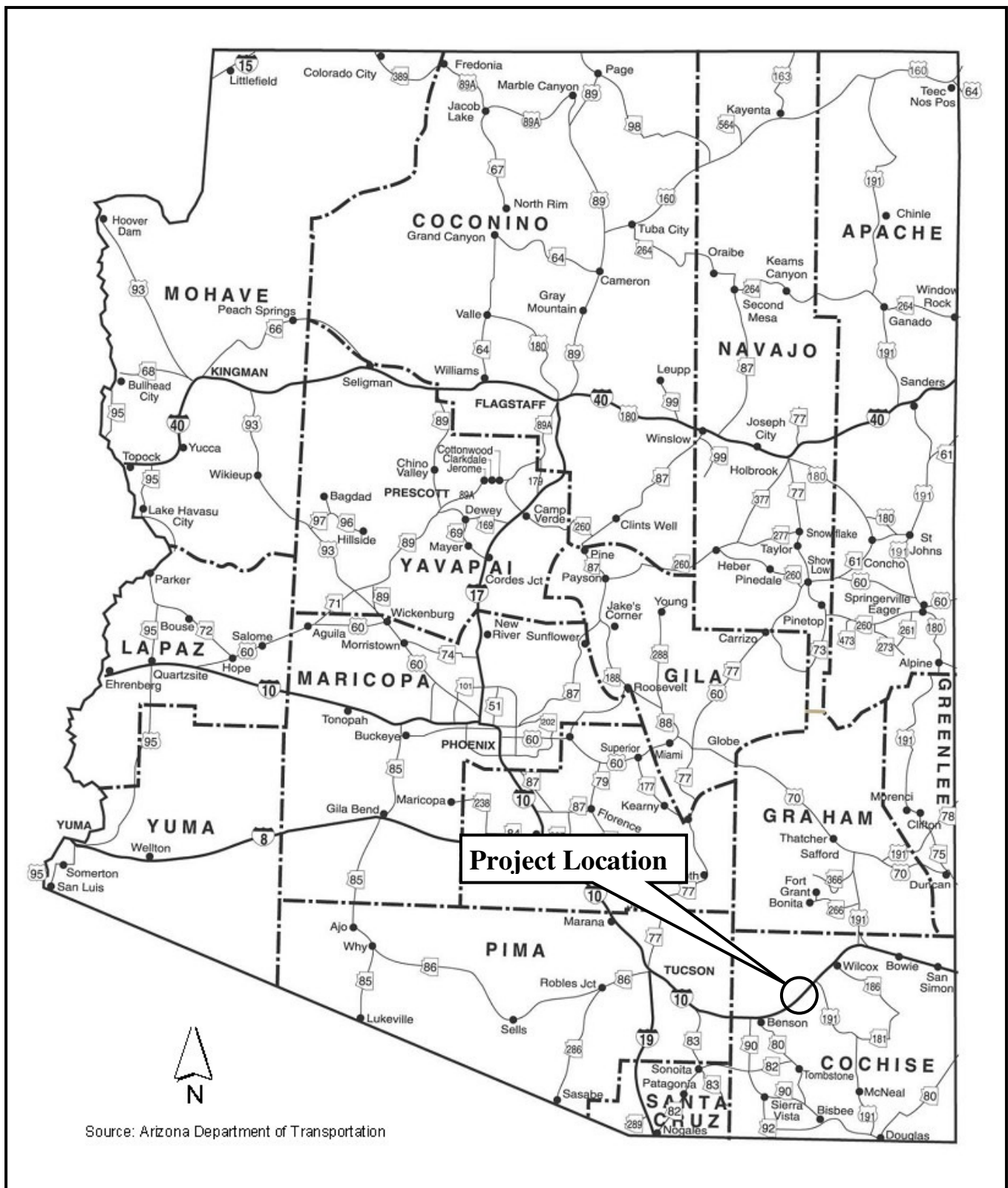


Figure 1. State Location Map

Project: Johnson Road TI – Redbird Hills (EB)

Project Number: IM-010-F(003)A

TRACS Number: 010 CH 322 H6133 01C

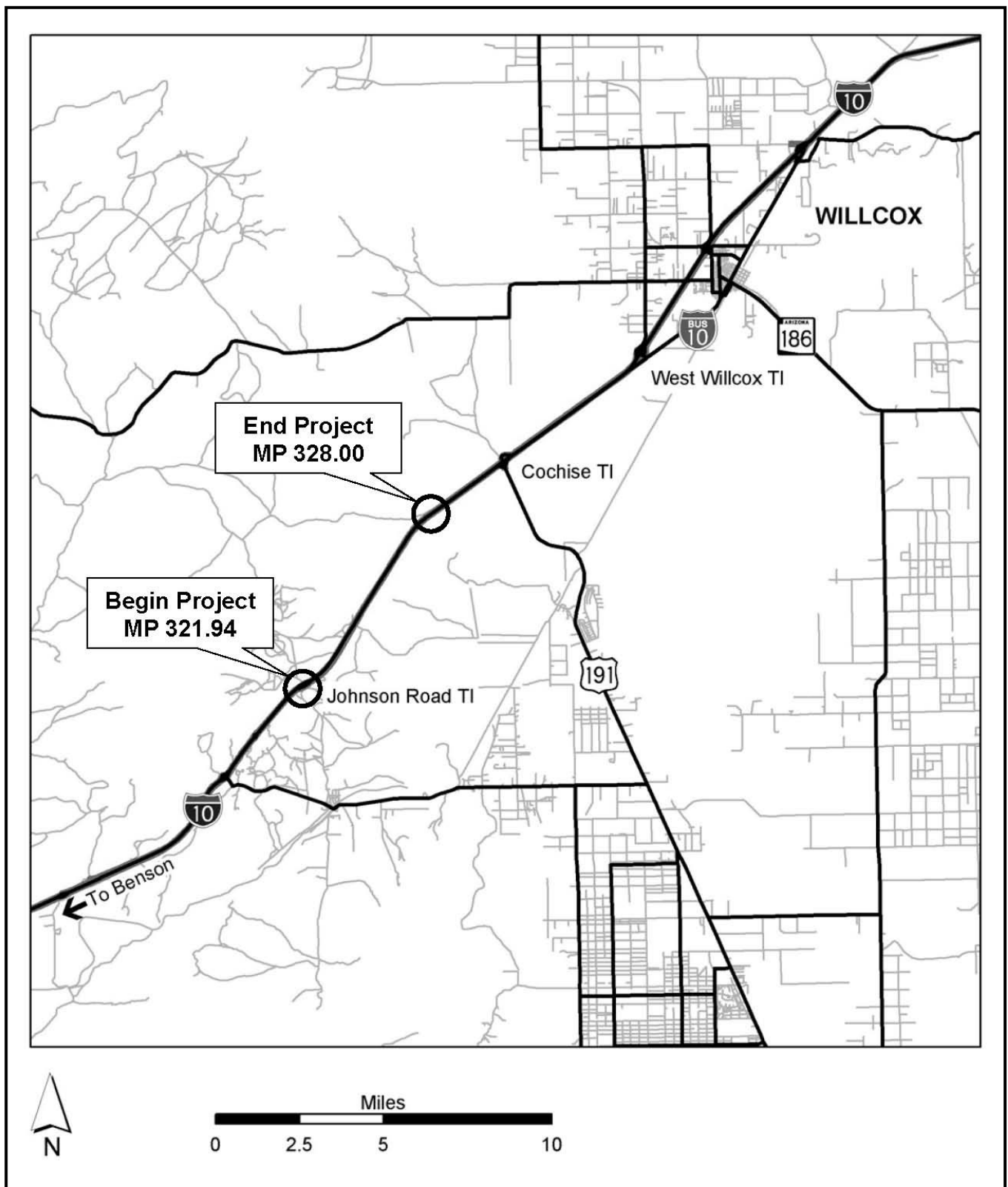


Figure 2. Project Vicinity Map

Project: Johnson Road TI – Redbird Hills (EB)

Project Number: IM-010-F(003)A

TRACS Number: 010 CH 322 H6133 01C



Janet Napolitano
Governor

Victor M. Mendez
Director

Arizona Department of Transportation Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Sam Elters
State Engineer

(Current date)

Ms. Joanna Doe
Title
Agency Name
123 ABC Street
Phoenix, Arizona 85023

Re: • Douglas Weigh & Inspection Station Project
Project No. CBI-080-A(009); TRACS No. 080 CH 364 H6243 01C
• Jct. SR 80 / US 191 Intersection Improvement Project
Project No. S-080-A-301; TRACS No. 080 CH 364 HX148 01C

Dear Ms. Doe:

GENERAL BIOLOGY EXAMPLE

The Arizona Department of Transportation (ADOT) is planning to construct two projects at the intersection of State Route (SR) 80 and US 191, 1.3 miles west of the city of Douglas in Cochise County, Arizona (refer to Figure 1 - Location Map and Figure 2 - Vicinity Map). The project limits are located in Sections 10 and 11 of Township 24 South, Range 27 East, on the Douglas U.S. Geological Survey (USGS) 7.5' topographic quadrangle.

The first project is a weigh and inspection station project; the second is an intersection improvement project. The new weigh and inspection station, which will be located adjacent to the existing Douglas Motor Vehicle Service Center (DMVSC) on the northeast corner of the SR 80 / US 191 intersection, will accommodate increasing levels of commercial traffic traveling between Mexico and the U.S. The purpose of the intersection improvement project is to provide a signalized intersection, as well as dedicated left and right-turn lanes and additional turning room for commercial vehicles using the new weigh and inspection station.

The scope of work for the weigh and inspection station includes:

- Removing two existing concrete pads, 1,203 feet of existing chain link fence, and an existing gate
- Constructing retention areas and ditches and installing corrugated metal pipes (CMPs) and erosion control to facilitate site drainage
- Paving parking areas, a truck circulation pad, and approach and departure lanes
- Erecting administrative and inspection buildings
- Installing static scales to weigh commercial vehicles while they are motionless

Ms. Joanna Doe
Page 2
Month date, year

- Constructing a hazardous materials truck containment area
- Constructing gated entrances on SR 80 and US 191
- Installing lighting and security devices

The scope of work for the SR 80 / US 191 intersection improvement project includes:

- Widening the westbound travel lanes approximately 10 feet to the north from MP 364.82 to MP 364.99 to provide westbound right-turn lane into the new weigh and inspection station
- Regrading the existing roadside drainage channel north of SR 80 from MP 364.75 to MP 364.87
- Restriping the pavement and installing new signs from MP 364.82 to MP 365.01

The existing ADOT R/W along US 191 is 100 feet wide. The SR 80 R/W varies in the project area between 263 feet wide west of the intersection and 213 feet wide east of the intersection. New R/W will be obtained by ADOT to accommodate construction of the weigh and inspection station, and culvert and embankments. Acquisition of new R/W will occur on privately owned, vacant land.

This letter serves both as a request for a list of potential species occurring in the project area and as an invitation to review the project based upon the described scope of work. If the [NAME OF AGENCY] has any specific concerns, suggestions, or recommendations pertaining to this specific project please let us know.

GENERAL BIOLOGY EXAMPLE

If the [NAME OF AGENCY] would like to have continued involvement in these projects please include a specific expression of interest in the response, along with a description of specific concerns. If the response letter does not include a request for continued involvement and a statement of specific concerns, ADOT will consider the coordination process with the [NAME OF AGENCY] complete for this project.

Please identify any issues or concerns you have regarding this project to (insert name) and send them via mail to 1234 South 13th Avenue, Suite 123, Someplace, Arizona 12345; via email to (enter email), or via fax to 555.123.1234. Please submit comments by (enter date). If you have any questions please feel free to contact me at 555.123.1234. Thank you for your time and assistance.

Sincerely,

John Doe
Environmental Planner

Enclosures: state and vicinity map



Arizona Department of Transportation
Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Sam Elters
State Engineer

Month Date, Year

(Insert name of current Data Manager)
Action Data Manager
Navajo Nation Department of Fish and Wildlife
Natural Heritage Program
P.O. Box 1480
Window Rock, AZ 86515

RE: Witch Well Sanders
STP-191-D(001)
191 AP 344 H5895

NAVAJO NATION EXAMPLE

Dear (insert name of current Data Manager):

The Arizona Department of Transportation (ADOT) is planning a roadway improvement project to resurface the pavement on a 22.6-mile section of US Highway 191 in Apache County, Arizona. The project limits begin approximately 15 miles west of the New Mexico boarder and extends directly south of the town of Sanders. The majority of the project corridor lies within Navajo Nation land. Other adjacent lands are under the jurisdiction of the Arizona State Land Department and private parties.

Attached is a USGS 7.5' topographic map outlining the project limits. Please respond with a list of Navajo Endangered Species near the project vicinity to the below listed address. In addition, please include any biological concerns the Navajo Nation Department of Fish and Wildlife may have related to this project.

Please contact me at (928) 779-7528, or (the consultant with contact information) if you require any additional information.

Sincerely,

John Doe
Environmental Planner/Wildlife Biologist

cc: (insert name of Navajo Fish and Wildlife Department Wildlife Biologist)



Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-2285

Month date, year

(All capitals, font size 9) IN REPLY REFER TO:
(Enter Route Code, font size 12) STP-086-A(005)
(9 font) TRACS # 086 PM 100 H4510 01C
(Project Name)

Mr. John Reid
Bureau of Land Management
2475 Beverly Avenue
Kingman, AZ 86401-3629

Dear Mr. Reid:

FHWA to BLM EXAMPLE

The Federal Highway Administration (FHWA), in cooperation with the Arizona Department of Transportation (ADOT), would like to invite the Bureau of Land Management (BLM) to be a cooperating agency in the pavement preservation and box culvert extension project located on US 93, approximately 8 miles north of Wikieup from milepost (MP) 104.5 to MP 116.33 (see Figure 1 – Project Location Map and Figure 2- Project Vicinity Map).

Heavy wear has contributed to roadway deterioration within this segment. Twenty box culverts within the project limits require extensions to accommodate a future widened roadway and to increase the width of the clear zone (an area adjacent to the roadway at the box culvert that is clear of obstacles and obstructions) in order to provide a recovery surface area for vehicles that leave the pavement surface. The purpose of this project is to improve the roadway surface as part of a regular maintenance program and to upgrade and extend box culverts. No new right-of-way will be required. Temporary construction easements will be required for the box culvert extensions.

In accordance with the 2006 Memorandum of Understanding and Supplemental Operating Agreement between FHWA, ADOT, and BLM, please respond on your agreement to participate in this project as a cooperating agency. Please identify known issues and concerns relating to protection of valid existing rights and resources on BLM-administered lands potentially affected by the project, and determine whether the proposed project is in conformance with BLM land use plans. If you have questions, please contact Steve Thomas at 602-379-3645, ext 117.

Sincerely,

Robert E. Hollis
Division Administrator

Enclosures

cc: SThomas, TDeitering, Darlene Dyer (mail drop)
SDT:cdm

Attachment A
DATA REQUEST
PROCEDURES & FEES
Navajo Natural Heritage Program
Department of Fish & Wildlife
Navajo Nation
Revised: October 2002

Data Request = Request for data on the occurrence/potential occurrence of species of concern.

'Species of concern' include legally protected species, as well as other rare or sensitive species. Data requests typically are for potential development projects on the Navajo Nation, and NNHP responses identify species of concern which are known to occur or have potential to occur on or near the project site. This information is intended for use in planning biological surveys and preparing biological evaluations.

PROCEDURES

A. Submit Data Requests to:

Data Manager
Navajo Nation Department of Fish & Wildlife
Natural Heritage Program
P.O. Box 1480
Window Rock, AZ 86515
Phone: (928) 871-6472
Fax: (928) 871-7603
Website: <http://www.navajofishandwildlife.org>
<http://www.natureserve.org/nhp/us/navajo/index.html>

B. Data Requests must include the following components. The absence of any of these components will lengthen the processing time.

1. Written request. Processing of a Data Request may begin if a verbal request is made (provided number 2 and 3 are met), however, a response will not be provided until a written request is received. Please refer to each project by a specific name and number (if available), as that eliminates the potential for confusions during correspondence.
2. Project summary. Biological concerns may vary depending on factors such as the project size, type, location, length and time of construction, etc. Project summaries should be specific, but not excessively long or detailed. The project should be referenced by name and number, if applicable. This is particularly important for requests that cover several projects (eg., oil and gas wells).

ACRONYMS

NFWD	=	Navajo Fish and Wildlife Department
NNHP	=	Navajo Natural Heritage Program (a section under the NFWD)
NWI	=	National Wetlands Inventory
7.5' quadrangle	=	7.5-minute series topographic map, published by the U.S. Geological Survey

3. Map. A map of the area with the project site clearly delineated is essential. Processing of a Data Request will not begin until maps are received. Reproductions of 7.5' quadrangles are highly preferred. Please include the map name on all 7.5' quadrangle reproductions. If 7.5' quadrangles are not available, then maps must have a scale and geographic reference points so the project locations and dimensions can be easily and accurately identified. Also, include a legal description of the site and/or distance to nearby landmarks (eg., 2.5 mi. NE junction State Route 264 and Navajo Route 12) if possible.
- C. The NNHP will normally respond to Data Requests within 15 working days of receipt. Standard responses will consist of: (1) species of concern known to occur within three miles of the project site, and (2) species of concern having the potential to occur anywhere on the 7.5' quadrangle(s) containing the project boundaries. Potential for species is determined primarily on quadrangle-wide coarse habitat characteristics and species range information. Your project biologist should determine habitat suitability at the project site.

FEES

Private Individuals, Federal and Tribal Agencies - \$32.50 per request (includes the first four 7.5' quadrangles reviewed) plus \$2.00 per additional 7.5' quad map reviewed (the number of quadrangles reviewed is based on a three-mile radius around the project site).

Consultants and others - \$65 per request (includes the first four 7.5' quadrangles reviewed); plus \$7.50 for each additional 7.5' quadrangle reviewed for projects that require 5 to 20 maps reviewed (the number of quadrangles reviewed is based on a three-mile radius around the project site). Projects that require over 20 maps to be reviewed costs \$10.00 per quad map after the first four quads reviewed.

Separate projects will be considered separate requests. If a single letter solicits data on more than one project, a separate fee will be charged for each project.

An invoice for services will be included with the Data Response.

ADDITIONAL INFORMATION

- For each species included in a letter of response, the following tribal and federal statuses will be indicated: Navajo Endangered Species List (NESL), federal Endangered Species Act (ESA), Migratory Bird Treaty ACT (MBTA), and Eagle Protection Act (EPA). No legal protection is afforded species with only ESA candidate or NESL group 4 status. Currently, species without ESA or NESL legal protection are only included in responses on an irregular basis.
- Biological surveyors on the Navajo Nation must be permitted by the Director, NFWD. Contact the NFWD's Management and Research Section, at (520) 871-7068, for permitting procedures. Biological surveys should be planned for the appropriate season.
- Potential impacts to wetlands should be evaluated. The US. Fish and Wildlife Service's NWI maps should be examined to determine whether areas classified as wetlands are located close enough to the project site to be impacted. In cases where the maps are inconclusive (e.g., due to their small scale) or unavailable, field surveys must be completed. For field surveys, wetlands identification and delineation methodology contained in the "Corps of Engineers Wetlands Delineation Manual" (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the U.S. Army Corps of Engineers in Phoenix must be contacted. NWI maps are available for examination at the NNHP office, or may be purchased through the U.S. Geological Survey. The NNHP has complete

coverage of the Navajo Nation, excluding Utah, at 1:100,000 scale; and coverage at 1:24,000 in the southwestern portion of the Navajo Nation.

The Navajo Nation Environmental Protection Agency (NNEPA) has developed the "Navajo Nation Aquatic Resources Protection Manual. For projects that occur in or may disturb wetlands, contact Tom Morris, NNEPA at (928) 871-7690.

The information provided in a letter of response is based on data known to the NNHP at the time of the Data Request. The information should not be regarded as a final statement on the occurrence of any species, nor should it substitute for on-site surveys. Also, because the NNHP's data are continually updated, any given response is only wholly appropriate for its respective request.